Numb. 384.

THE Pennſylvania GAZETTE.

Containing the freſheſt Advices Foreign and Domeſtick.

From April 8. to April 15. 1736.

His Majeſty's *moſt gracious* SPEECH *to both Houſes of Parliament*, Jan. 15. 1736.

My Lords and Gentlemen,

THE happy Turn which the Affairs of *Europe* have evidently taken ſince the End of the laſt Parliament, muſt, I am perſuaded, give you all, as it does Me, the greateſt Satisfaction.

I acquainted you then that a Plan of Pacification, concerted between Me, and the *States-General* of the *United Provinces*, had been propoſed to the Parties engaged in the War, which had not the Effect to prevent the Opening of the Campaign: The Armies took the Field, and the War was carried on in ſome Parts, in ſuch a Manner, as to give very Juſt Apprehenſions that it would unavoidably become general, from an abſolute Neceſſity of preſerving that Ballance of Power, on which the Safety and Commerce of the Maritime Powers ſo much depend.

This Conſideration determined Me to perſevere, jointly with the *States*, in repeating Our moſt earneſt Inſtances to the contending Parties to agree to an Armiſtice, and to enter into a Negociation for obtaining a general Peace, upon the Baſis of the Plan we had then propoſed to them.

Whilſt Affairs continued in this State of Deliberation, the Heat and Fury of the War abated, and the Emperor, and the moſt Chriſtian King, in Conſequence of their repeated Profeſſions of a ſincere Diſpoſition to put an End to the War by an honourable and ſolid Peace, concerted and agreed upon certain Preliminary Articles to anſwer that moſt deſirable End. An Armiſtice is ſince agreed to by all the Parties engaged in the War, and the contracting Powers in Regard to the good Offices imployed by Me and the *States*, have communicated to Us, by their reſpective Miniſters, the Preliminaries, deſiring Our Concurrence for effectuating a general Pacification upon the Terms thereby ſtipulated.

It appearing upon due Examination, that theſe Articles do not eſſentially vary from the Plan propoſed by Me and the *States*, nor contain any thing prejudicial to the Equilibre of *Europe*, or to the Rights and Intereſt of Our reſpective Subjects, We thought fit, in purſuance of Our conſtant Purpoſe, to contribute Our Utmoſt towards a Pacification, to declare, by a joint Reſolution, to the Courts of *Vienna* and *France*, Our Approbation of the ſaid Preliminaries, and Our Readineſs to concur in a Treaty to be made for bringing them to Perfection.

Theſe Preliminaries have been likewiſe communicated to the Kings of *Spain* and of *Sardinia*; and altho' thoſe Princes have not as yet, in Form, declared their final Reſolutions upon them, there is great Reaſon to believe that the Love of Peace, their avowed Diſpoſitions for putting an End to the Troubles of *Europe*, and the amicable Interpoſition of common Friends, will prevail upon them to agree to what has been thus concerted, upon reaſonable Security given them for the peaceable Poſſeſſion and Enjoyment of the Countries allotted to them.

In theſe Circumſtances, My firſt Care was to eaſe the Burthens of My People, as ſoon, and as far, as Prudence, in the preſent Poſture of Affairs, would permit. I have therefore ordered a conſiderable Reduction to be made of My Forces both by Sea

Sea and Land; and if the Influence of the Crown of *Great Britain*, and the Reſpect due to this Nation, have had any Share in compoſing the preſent Troubles in *Europe*, or preventing new ones, I am perſuaded you will be of Opinion, that it will be neceſſary to continue ſome extraordinary Expence, until there be a more perfect Reconciliation among the ſeveral Powers of *Europe*.

Gentlemen of the Houſe of Commons,

I have ordered the proper Officers to lay before you the Eſtimates for the Service of the current Year; and I make no doubt, but My Deſire to make the Charge of the Publick as low as poſſible, will find in you the ſame Readineſs to grant the neceſſary Supplies with Chearfulneſs and Unanimity.

My Lords and Gentlemen,

I am willing to hope this pleaſing Proſpect of Peace abroad will greatly contribute to Peace and good Harmony at Home. Let that Example of Temper and Moderation, which has ſo happily calmed the Spirits of contending Princes, baniſh from among you all inteſtine Diſcord and Diſſenſion. Thoſe who truly wiſh the Peace and Proſperity of their Country, can never have a more favourable Opportunity than now offers, of diſtinguiſhing themſelves, by declaring their Satisfaction in the Progreſs already made towards reſtoring the Publick Tranquility, and in promoting what is ſtill neceſſary to bring it to Perfection.

The Humble ADDRESS of the Right Honourable the Houſe of LORDS, to the KING, *January* 16. 1736.

Moſt Gracious Sovereign,

WE *Your Majeſty's moſt dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament aſſembled, beg leave to return your Majeſty our ſincere and humble Thanks for Your moſt gracious Speech from the Throne.*

The Experience we have had of Your Majeſty's juſt Apprehenſions of the Conſequences of the War, and of your Vigilance to prevent its becoming general, filled our Minds with the ſtrongeſt Aſſurance, That the Preſervation of the Ballance of Power, and of the Safety and Commerce of Your Kingdoms, were the governing Motives of Your Majeſty's Conduct.

Theſe Principles truly worthy of a King of I Great Britain, *we have ſeen exerted with Perſeverance ſuperior to all Difficulties, by your uninterrupted Endeavours to bring the contending Powers to an Accommodation, in order to the obtaining a general Peace; And when we conſidered Your Majeſty's Firmneſs, and the Weight which this Nation ought to have in the Affairs of* Europe, *we always conceived well-grounded Hopes, That Your Royal Wiſdom, and the good Offices imployed by Your Majeſty, in Conjunction with the* States-General, *would be attended with real and beneficial Effects.*

Permit us, Sir, on this occaſion to congratulate Your Majeſty upon the agreeable Proſpect of approaching Tranquility, which You have had the Goodneſs to lay before us; and to profeſs the great Satisfaction we feel, on Your having communicated to us, that the Preliminary Articles agreed upon between the Emperor and the moſt Chriſtian King, appeared, upon due Examination, to be ſuch as induced Your Majeſty, and the States, *by a joint Reſolution, to declare Your Approbation thereof, and Your Readineſs to concur in a Treaty to be made for bringing this Work to Perfection.*

The Union and Harmony, which hath ſo happily ſubſiſted between Your Majeſty and that Republick, will, we truſt, be productive of ſuch further good Conſequences, as may effectuate a general Pacification. And the Glorious Example which Your Majeſty hath held forth to other Princes, of preferring the Love of ſolid and honourable Peace to the Views of reſtleſs Ambition, together with the amicable Interpoſition of common Friends, will, we doubt not, prevail intirely to put an end to the preſent Troubles.

Your Majeſty's tender Care of your People, in preſerving to them the Bleſſings of Peace, whilſt other Countries have been haraſſed with War, calls for our thankful Acknowledgements, which we beg leave to lay at Your Royal Feet.

The extraordinary Supplies of late Years, neceſſarily raiſed by Your Parliament, however unwilling to burthen their Fellow Subjects, have been the Reſult of their juſt Confidence, That all Powers repoſed in Your Majeſty would be made Uſe of only for the Honour of Your Crown, and the Welfare of your People.

It is with the greateſt Pleaſure, we now ſee the happy Effects of theſe Meaſures, in our preſent Situation; nor could we entertain the leaſt doubt but that Your Majeſty would improve the firſt Opportunity to leſſen this Expence, as far as Prudence and the Poſture of Affairs would permit. In this View, we beg Leave to return our unfeigned Thanks for the Orders, which Your Majeſty hath graciouſly been pleaſed to give for making a conſiderable Reduction of your Forces, both by Sea and Land;

and

and we cannot accompany those Thanks with a more becoming proof of our Gratitude than by assuring Your Majesty, as we most sincerely do, That we will zealously and chearfully concur in all such Measures, as shall be necessary to maintain the Security of Your Kingdoms, and to continue the just Influence of Your Crown amongst the Powers abroad.

We are deeply sensible of Your Majesty's unwearied Labours to make us a happy People. Nothing shall be wanting on our part to render those paternal Labours effectual, by promoting good Harmony and Unanimity at Home; and by demonstrating, in all our Actions, how stedfastly we have at Heart, the zealous and vigorous Support of Your Majesty and Your Government, the Preservation of the Protestant Succession in your Royal House, and the Peace and Prosperity of our Country.

His Majesty's most Gracious ANSWER.

My LORDS,

I Return you my hearty Thanks for this dutiful and affectionate Address. Nothing can give Me so sensible a pleasure, as the Satisfaction you shew in my Endeavours for the Repose of *Europe*, and the Care I have taken of the Peace and Welfare of My Kingdoms. As I rely with the greatest Confidence on your Support in the pursuit of these great Ends; so you may always depend in My steady Perseverance in such Measures, as may most effectually promote and secure the Ease, Commerce, and Prosperity of My People.

The Address of the Honourable House of Commons will be inserted hereafter.

Ubi partem imperij habet Rex, partem Senatus sive populus; Regi in partem non suam involanti, vis justa apponi potest. Quia data facultate, datur jus facultatem tuendi.

Grot. de jur. bel. & pac. l. 2.

FREEDOM is the Birth-right of every Man. We are all born naturally equal. I should be justly accused of Impudence to tell another Animal like myself, That I came into the World his Superior. He might reasonably demand by what divine Authority; and, that failing, put me upon proving that my outward Vessel was made of finer Clay than his own.

'Tis certain Nature has made no Distinction; from the same Clod of Dirt she forms a Monarch and a Cobler.

Reason and Revelation oblige us to pay obedience to Magistrates, but to whom is left to our own Choice; since they are not particularly pointed out, and that none is born with a Right to controul another.

But no Man relinquishes part of his natural Liberty, except on a more valuable Consideration, as Protection from Injuries, Security of Property, mutual Defence, &c. if those Ends are not obtained, of which none can be Judges but the People, the Compact is void, *frustratione finis*, as the Lawyers phrase it, because the Design is frustrated.

Therefore a Magistrate cannot justly complain when he's turned out of his Office; besides he might have refused or quitted when he pleased, no Man is obliged to take the Reins of Government into his Hand against his Will. But should he be desired to resign, and he maintain himself in his Post, it must be by Force, which is Tyranny. If he wants a specious Pretext, let him apply to Mr. *Hobbs*, who will tell him, That when a Nation chuses a Prince, they confer on him all their Power; but as the same Nation can dispence with any Promises that may be made them, and as all their Authority is transferred to the Prince; therefore he may give himself Absolution. This is bravely resolved, considering the Coward that was Author of it. Yet it is not the only wilful Mistake that wretched Philosopher has been guilty of. A Condition implyes a power in each Party to compel the other that fails to make good his Promise, as it's expressed by *Grotius* in the Motto; and no Contract can tye up the Hands of a People from repelling Wrongs received from a Prince conditionally chosen.

As a Nation make their own Agreements under which they promise to be governed, so they always retain in themselves a Power of altering the old and of enacting new Laws according to the Change of Circumstances.

Nor can it be otherwise: A Law receives it's Sanction from the Consent of a People, or at least of a Majority, who are under no Obligation to obey any Order where they have not declared their Concurrence.

The Edicts of the *French* Tyrant are of no force till they are enregistred by the Parliament; tho' at present this is only a Piece of Formality in *France*, for the Slaves dare not disobey the Commands of their haughty Master, yet it's a Confession that no People can be bound but by their own Agreement. Hence arises the sacred Veneration due to Laws: No Man can be obliged but by his own Act, and if he's punished he has no Room for Complaint, because he himself has fixed the Penalty. The Disagreement of a few does not invalidate the General Rule; yet if they receive Protection from the Law, it's a tacit Acknowledgement that they ought to submit themselves to the Rigours of the Law.

These Principles are agreeable to Reason and the eternal Nature of Things, supported by the Authority of the great Ancients and the best Moderns, and entirely conformable to the English Constitution.

The *Romans* when they nominated a Magistrate, told him at the same Time that he was created to serve the Republick and not himself, *ut bonum felix faustumq; sit Populo Romano.* A free People impose their own Terms when they accept a Governor.

At the Coronation of an *English* King, the Arch-Bishop pronounces four times on the four Sides of the Scaffold, *Will you have this Man to reign?* and then he's crowned upon Conditions which are expressed in his Oath: He swears that *he will govern according to the Laws of the Land, and pass all Laws* * *that the People chuse; and that*, (upon Supposition of not performing the Agreement) † *the Barons and Commonalty of the Land may streighten and compel him by all means possible, as by Seizing his Towns, Lands and Possessions, or any other way till Satisfaction be made according to their pleasure; and* ‖ *That it shall be lawful for all Men in the Kingdom to rise up against him, and to do all Things that may be grievous to him, as if they were absolutely free from any Engagements to his Person.*

The Parliament are the only Judges whether these Conditions are performed. They are Interpreters of the Law, otherwise a wicked King might refine away the Meaning of *Magna Charta.* By the Statute of 35 *Edward* III. the Judges are ordered to refer the Decision of doubtful Cases to the Parliament. Our Monarchy is under a great many other Limitations, that put it out of the Power of any Prince to destroy the Constitution.

A King in Conjunction with his Council, cannot enact any new Law, nor can he sit in any Court in Person, and determine Causes. The Stile *coram Rege Domino* is not sufficient to support a contrary Opinion; but the Limits of this Paper oblige me to refer the Discussion of that Point to another Opportunity.

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* *Quas vulgus elegerit.* † *Et ipsi Barones cum Communitate totius Terræ distringent & gravabunt nos modis omnibus quibus poterunt, scilicet per captionem castrorum, terrarum, possessionum, & alijs modis quibus potuerint, donec emendatum fuerit secundum arbitrium eorum.* ‖ *Licet omnibus de regno nostro contra nos insurgere & omnia facere quæ Gravamen nostrum respiciant ac si nobis in nullo teneantur.*

The

The King ſeems to have no negative Voice, ſince he's ſworn to paſs all ſuch Laws as the People chuſe. His Majeſty in Council may adviſe with the Parliament, and if the Bill is dropped, 'tis becauſe the Houſe will not exert their Authority. King *Charles* II. would not have dared to refuſe his Aſſent to the Bill of Excluſion, if it had paſſed the corrupt Houſe of Lords; nor would his Father have ſigned the Warrant for beheading his Favourite the Earl of *Strafford*, if he had an Authority to deny it.

The King cannot pardon a Criminal impeached by the Houſe of Commons; and the Parliament are ſo jealous of the King's medling in judicial Proceedings, that the Judges who formerly might be turned out at Pleaſure, are by an Act of *William* III. to enjoy their Offices for Life, *quam diu ſe bene geſſerint*; and by another of *George* I. their Salaries are raiſed and fixed, that they may not be byaſſed by the Influence of the Court from a due Diſcharge of their Office.

On the other Hand, the Power of the Parliament is ſo great, that *Burleigh* uſed to ſay, they could do any thing but turn a Man into a Woman; and Sir *Thomas More* when in the Tower, being asked by *Rich* the King's Sollicitor, if the Parliament had an Authority to make *Richard Rich* King? anſwered, that was *levis caſus*; taking it for granted, that they might make and unmake whom they pleaſe. This is aſſerted by the Statute of 13 Queen *Elizabeth*, denouncing the moſt grievous Puniſhments againſt all ſuch as ſhould dare to contradict it. It appears from hence that an Act of Parliament may be good tho' it has not the Royal Aſſent, as that which raiſed the Prince of *Orange* to the Throne; but this is not the only Inſtance which proves that a Parliament may beſtow the Crown on whom they pleaſe. They impowered *H.* VIII. to diſpoſe of it by his Will, and he left it to a Baſtard; for *Mary* and *Elizabeth* could not be both legitimate; and by the ſame Authority he might have given it to his Secretary or *Valet de Chambre*.

Theſe Conſiderations would incline one to believe, that ſtrictly ſpeaking, the King has no negative Voice; however (if he had) it would not be at all adviſeable at this time of Day to deny the Royal Aſſent to a Bill that had paſſed both Houſes. If ever the Caſe ſhould happen, ſtrong and ſolid Reaſons would be produced to ſupport a Refuſal of ſuch vaſt Conſequence to the Peace of the Nation. It would not be ſufficient to tell a Parliament, that their Bill was contrary to Law; for the Parliament as before obſerved are the Interpreters of the Law; and ſtill weaker to ſay it was contrary to the Form of a certain Court; and ridiculous to urge that the Power was in the King becauſe an able Lawyer was formerly heard to ſay ſo: Nor would it be ſafe to tell ſuch an auguſt Aſſembly that their Proceedings ought to be regulated by the Opinion of former Parliaments, for that would deſtroy the Eſſence of Parliaments; nor leſs dangerous to ſay they ought firſt to have adviſed with his Majeſty upon what they had to do in the Houſe.

If they ſhould be told from the Throne that the Petitions ſent up to them from all Parts of the Kingdom by their Conſtituents, complaining with one Voice of the ſame Grievance, I ſay if they ſhould be told that theſe Petitions contained invidious or falſe Allegations, and ought to be diſcountenanced, and that the Number of Petitioners ought not to be regarded; in this Caſe, I would not inſure the Neck of his Majeſty's Miniſter for his Majeſty's Dominions.

But if the Houſe of Commons ſhould be told by his Majeſty's Council, that they were a ſet of egregious Blockheads, of ſuch profound Ignorance as to miſtake the Meaning of a Word, whoſe Signification is as clear, as preciſely determined, and as univerſally agreed on as any Word whatſoever, in this caſe it is natural to conclude that the Parliament WOULD ——acquieſce. — *Behold your Gods, O Iſrael! that brought you out of the Land of Egypt.* Z.

The Man that oppreſſed, deſpiſed and abuſed his Cloak in the laſt Mercury, *is deſired not to profane the Liberty of the Preſs with ſhocking Nonſence.*

Boſton, April 5. By Letters from London, we are told that His Majeſty Ship Scarborough, Capt. Durell, Station Ship of this Place, will be relieved this Spring by the Squirrel Man of War commanded by Capt. Warren. That all the Fleet under the Command of Sir George Walton are paid off, except 4 at Portſmouth, 4 at Chatham and 2 at Plymouth, and they reduced to their Guardſhips Compliment. And that Sir John Norris was to return Home the beginning of June.

On the 28th of laſt Month, a Veſſel (bound from Jamaica to New-York) put into Newport, ſome Paſſengers came on ſhoar and gave an Account that Col. Cunningham, Governor of Jamaica, died there ſix Weeks after his Arrival, of a Fever he got by Riding about the Iſland. And that a Siſter of his, a young Lady about 16 Years old, was daily expected from England, to whom the Government of that Iſland have given her on her Arrival 2000 l.

We are inform'd that Mr. Brown heretofore of Philadelphia, is appointed Collector for the Ports of Salem and Marblehead, vacant by the Death of Benjamin Vining, Eſq;

Cuſtom-Houſe, New-York, *Entred Inwards.*

W Seymour, J. Hunt and W. Tucker from Bermuda, I. Good from the Bay of Hunduras, V. Bodin from Liſbon.

Entred Out. W. Higgs for Bermuda, T. Barns for South-Carolina, W. Beekman for Boſton, E. Seymour for Antigua, E. Burrows and W. Seymour for Coracoa, W. Boyl for Madeira,

Cleared. J. Boſch to Boſton, T. Barnes to South-Carolina, W. Higgs to Bermuda, R. Jennings to Coracoa.

PHILADELPHIA, April 15.

The uncommon length of the Winter has ſo weakned the Cattle, that great Numbers die in ſome Parts of the Country. Particularly 'tis ſaid, that Mr. *Sipple* of *Kent* County has already loſt upwards of an hundred.

This Day ended the Seſſions of the Court of Oyer and Terminer, at which three Perſons received Sentence of of Death for Houſe breaking; to wit, *John Watnal*, *Michael Mac Dermot*, and *Catherine Connor*, alias *Smith*. The two former pleaded Guilty. The latter put herſelf upon Tryal and was found guilty. After Sentence ſhe pleaded *Preg-nancy*; but a Jury of Matrons being empannel'd, found her not quick with Chi'd. A young Woman was alſo arraigned for the Murder of her Baſtard Child, but acquitted. It was expected there would alſo have been a Tryal for a Rape, but the Grand Jury did not find the Bill.

Cuſtom Houſe, PHILADELPHIA, *Entred In.*

Ship Eliz. & Dorothy, George Steward, from Antigua.
Scooner Deliverance, John Cornett, from South-Carolina.
Sloop Francis, James Burchal, from Bermuda.
Ship Neptune, Nicholas Mitchell, from Liſbon.

Entred Out.

Sloop Endeavour, Michael Dalton, for Boſton.
Scooner Chriſtiana, William Parker, for South-Carolina

Cleared. None.

ADVERTISEMENTS.

To be SOLD,

THE Plantation late of *David Lloyd*, *Eſq; deceaſed, pleaſantly ſcituated upon the River* Delaware, *adjoining to the Town of* Cheſter, *containing* 200 *Acres of Land, about* 60 *Acres or more cleared, and about* 25 *Acres of it good Meadow. Two large Orchards of choice Fruit ſufficient in a bearing Year to make* 3 *or* 400 *Barrels of Cyder. A good new Stone-Houſe well finiſh'd, four Rooms on a Floor, with good Cellars. A Kitchin, Brew-houſe, Pantry and Dairy behind it, with Chambers over for Servants Lodgings. Alſo a large Store-houſe with a Loft over and Cellar under it. A large Cyder-houſe, with an Apple-Mill, and two Cyder Preſſes. A new Coach-houſe, good Stables and Cow-houſes, a Good Barn, and ſeveral Barracks for Hay, all in good Repair. Whoever has a mind to Purchaſe may apply to* Grace Lloyd, *living upon the ſaid Plantation.*

WHEREAS *Chriſtiana* the Wife of *Valentine Klin*, of *German-Town*, hath eloped from her ſaid Husband: This is to forwarn all Perſons not to give her any Credit on his Account, for he will not pay any Debts ſhe ſhall contract after the Date hereof, *Valentine Klin.*

Philadelphia, April 1. 1736.

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Where Advertiſements are taken in, and BOOK-BINDING is done reaſonably, in the beſt Manner.